

REMARKS

The Office action of May 13, 2008, has been carefully considered.

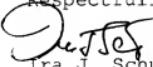
Claims 1, 3-6 and 9 have been rejected under 35 USC 102(b) as anticipated by Taylor et al, while Claims 1-8 have been rejected under 35 USC 102(b) as anticipated by Altarac.

Claim 1 has now been amended to incorporate the recitations of Claim 3, which has been canceled, and additionally to recite that the female and male geometric forms have transverse cross-sections with non-circular shapes, as disclosed at paragraph [0020] of the present specification. Moreover, Claim 1 has been amended to recite that a rotational locking is obtained between the bone anchoring element and the threaded shaft when a rotational force is exerted along the axis of the bone anchoring element or the threaded shaft.

Such a device as now claimed is not disclosed by either Taylor et al or Altarac. Neither of these references discloses or suggests a device with rotational linkage means, and especially rotational linkage means with complementary non-circular shapes. Accordingly, the invention as claimed is clearly patentable over the cited references, and withdrawal of these rejections is requested.

In view of the foregoing remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz  
Registration No. 28666  
Attorney for Applicant  
(703)837-9600, ext. 23